

UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF NEW YORK

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ALIX DUVIGNEAUD,

DOCKET #: 08 CIV 02162

-AGAINST-

**ANSWER**

CT GROUP OF NV, INC.,

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DEFENDANT, CT GROUP OF NV, INC., in answer to PLAINTIFF'S amended complaint hereby alleges:

1. Denies each and every allegation set forth in paragraph one relating to jurisdiction and venue.
2. Denies each and every allegation set forth in paragraph two relating to jurisdiction and venue.
3. Denies each and every allegation set forth in paragraph three relating to parties.
4. Denies each and every allegation set forth in paragraph four other than the allegation that DEFENDANT CT GROUP OF NV, INC., is a corporation incorporated in the State of Nevada.
5. Denies knowledge and information sufficient to form a belief as to the truth of the allegation contained in paragraph five, six, ten, eleven, and thirteen.
6. Denies each and every allegation set forth in paragraph seven, eight, twelve, fourteen, fifteen, sixteen, seventeen, eighteen, twenty-two, and twenty-three.
7. Denies each and every allegation set forth in paragraph nine.

8. Denies each and every allegation set forth in paragraph nineteen, twenty and twenty-one and leaves the interpretation of 29 U.S.C. 2612, 29 U.S.C. 2615, and 29 U.S.C. 2615 Sub. Div. (a) (2) to the Court.

**AS AND FOR A FIRST AFFIRMATIVE DEFENSE**

1. Lack of subject matter jurisdiction as DEFENDANT is not subject to U.S.C. 2601 et. seq. In relation to this PLAINTIFF.

**AS AND FOR A SECOND AFFIRMATIVE DEFENSE**

2. DEFENDANT is not subject to U.S.C. 2601 et. seq. as PLAINTIFF is not an eligible employee as defined in 29 U.S.C. 2601 in that he has not been employed by DEFENDANT for more than twelve months and perform more than 1,250 hours of service for DEFENDANT during the previous twelve month period.

**AS AND FOR A THIRD AFFIRMATIVE DEFENSE**

3. Failure to state a claim upon which relief can be granted.

**AS AND FOR A FOURTH AFFIRMATIVE DEFENSE**

4. DEFENDANT is not an employer as defined in 29 U.S.C. 2611 and that DEFENDANT is not employed in commerce which employer employs fifty or more employees for each working day during each of twenty or more calendar work weeks at all material times.

**AS AND FOR A FIFTH AFFIRMATIVE DEFENSE**

5. Failure of PLAINTIFF to provide thirty or more days advance notice that he would take off on August 11, 2007 or at some time prior or thereafter pursuant to statute relating to this matter.

WHEREFORE, based on the aforesaid DEFENDANT hereby prays for an Order dismissing PLAINTIFF'S complaint, granting attorneys fees, and granting costs herein or for such further relief as this Court deems just and proper under these circumstances.

Dated: Mineola, New York  
March 20, 2008

Respectfully Submitted: KOENIG & SAMBERG

BY: ARNOLD KOENIG (AK0655)  
Attorneys for Defendant  
300 Old Country Road, Suite 351  
Mineola, New York 11501  
(516) 693-0038 (T)  
(516) 693-0042 (F)  
Email: JSAMBERG@KSATLAW.COM

DEMAND FOR A JURY TRIAL:

DEFENDANT hereby demands trial by jury on all issues so triable.

Dated: Mineola, New York  
March 20, 2008

Respectfully Submitted: KOENIG & SAMBERG

/S/  
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